

**Introduced by Senator Kuehl**

February 18, 2004

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An act to amend Section 2282 of the Business and Professions Code, relating to medicine.

LEGISLATIVE COUNSEL'S DIGEST

SB 1325, as introduced, Kuehl. Hospitals: physicians and surgeons: self-governance.

The Medical Practice Act provides for licensing and regulation of physicians and surgeons by the Medical Board of California. Existing law provides that the practice of medicine in a licensed general or specialized hospital having 5 or more physicians and surgeons on the medical staff without provision for organization and self-governance of the medical staff under certain rules constitutes unprofessional conduct subject to discipline by the board under the act. Existing law sets forth the rules applicable to an organization of the medical staff under these circumstances, which rules include provision for appropriate officers, bylaws, and staff appointments on an annual or biennial basis. A violation of the Medical Practice Act is a crime.

This bill would require the bylaws to set forth the contractual relationship between the self-governing medical staff and the hospital.

Because this bill would change the definition of a crime, it would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2282 of the Business and Professions  
2 Code is amended to read:

3 2282. The regular practice of medicine in a licensed general  
4 or specialized hospital having five or more physicians and  
5 surgeons on the medical staff, which does not have rules  
6 established by the board of directors thereof to govern the  
7 operation of the hospital, which rules include, among other  
8 provisions, all the following, constitutes unprofessional conduct:

9 (a) Provision for the organization of physicians and surgeons  
10 licensed to practice in this state who are permitted to practice in the  
11 hospital into a formal medical staff with *bylaws that set forth the*  
12 *contractual relationship between the self-governing medical staff*  
13 *and the hospital, with appropriate officers and bylaws*, and with  
14 staff appointments on an annual or biennial basis.

15 (b) Provision that membership on the medical staff shall be  
16 restricted to physicians and surgeons and other licensed  
17 practitioners competent in their respective fields and worthy in  
18 professional ethics. In this respect the division of profits from  
19 professional fees in any manner shall be prohibited and any such  
20 division shall be cause for exclusion from the staff.

21 (c) Provision that the medical staff shall be self-governing with  
22 respect to the professional work performed in the hospital; that the  
23 medical staff shall meet periodically and review and analyze at  
24 regular intervals their clinical experience; and the medical records  
25 of patients shall be the basis for such review and analysis.

26 (d) Provision that adequate and accurate medical records be  
27 prepared and maintained for all patients.

28 SEC. 2. No reimbursement is required by this act pursuant to  
29 Section 6 of Article XIII B of the California Constitution because  
30 the only costs that may be incurred by a local agency or school  
31 district will be incurred because this act creates a new crime or  
32 infraction, eliminates a crime or infraction, or changes the penalty  
33 for a crime or infraction, within the meaning of Section 17556 of  
34 the Government Code, or changes the definition of a crime within



1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

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